

STATE OF CALIFORNIA  
BEFORE THE COMMISSION ON JUDICIAL QUALIFICATIONS

Inquiry Concerning a Judge,

No. 12

To: Judge Leland W. Geiler

It appearing that from December 30, 1966 up to the present you were a Municipal Court Judge of the Los Angeles Judicial District; and

Preliminary investigation having been made, during the course of which preliminary investigation you were afforded a reasonable opportunity to present such matters as you chose, and this Commission as a result of said preliminary investigation, having concluded that formal proceedings to inquire into the charges against you shall be instituted.

NOW, THEREFORE, you are hereby charged with willful misconduct in office and conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

The specifications of the charges and the alleged facts upon which such charges are based are as follows:

COUNT ONE

You are charged with two assaults, to wit:

A. On the morning of January 29, 1971, you requested Deputy District Attorney Jay David Gould and Deputy Public Defender David A. Elden to step into your chambers. After Mr. Elden had entered your chambers, you emerged from behind a file cabinet with a battery-operated massager resembling a penis and sometimes referred to as a "dildo." You rammed said object into the rectum of Mr. Elden. Later on that day, in the preliminary hearings of People v. Louis James Hall, No. A-172,876, and People v. Lawrence B. Parks, No. A-268,529, you threatened Mr. Elden with other assaults with this same battery-operated massager.

B. In the fall of 1970, Arland A. Myhrvold, a Court Commissioner, was engaged in a conversation in a crowded hallway in the Hall of Justice. You approached Commissioner Myhrvold from the rear and grabbed him by his testicles, creating a scene.

COUNT TWO

You have engaged in a course of conduct in the courthouse involving the subject of sex which brought the judiciary into disrepute, to wit:

A. In the early part of 1970, a group of junior high students came into your court, Division 49 of the Municipal Court of the Los Angeles Judicial District, to observe the judicial process. At that time, a witness was testifying about a "half and half" transaction, meaning half oral copulation and half sexual intercourse. You then went off the record and stated in open court: "For the benefit of the students in the court, the term 'half and half' means 'half fucking and half sucking.'"

B. On or about April 1, 1971, Mrs. Elaine Yvonne Flack, a court reporter, followed you into your chambers at your request. When both of you were inside your chambers, you took off your robe, which revealed that you were without your trousers and only attired in your shorts. You made no explanation or apologies for such behavior.

C. On several occasions in 1970, you requested Deputy Public Defender Warren Soloski to come into your chambers. At such times, you were urinating with the door to the toilet wide open so that you were in full view. You then turned around and exposed your private parts to Mr. Soloski causing him some embarrassment.

D. In January of 1970, you stated in open court with reference to the anatomy of a female witness: "She's got a tight ass."

E. Because of your conduct in the courthouse involving the subject of sex and your courtroom handling of sex cases, both the District Attorney's Office and the Public Defender's Office in Los Angeles County have requested that no cases involving sex be assigned to you.

COUNT THREE

You have engaged in a course of conduct of addressing counsel and court attaches in disparaging, vulgar, and unjudicial terms, to wit:

A. In the summer of 1969, you had five males in your chambers. The Court Clerk, Mrs. Michael Provencio, then came into your chambers. As she was leaving, you asked the other five males: "How would you like to eat that?" This question referred to Mrs. Provencio.

B. On several occasions during the early part of 1970, you telephoned Court Clerk, Mrs. Michael Provencio, from your home and gave her the following instructions as to the cases in your court: "Get the mother fuckers ready. I'll be there shortly."

C. In the early part of 1970, you frequently asked Mrs. Provencio, "Did you get any last night?"

D. In March of 1970, Court Clerk Mrs. Provencio was allegedly late to court from her lunch. At that time you said to her: "You're nothing but a fucking clerk and don't you forget it and you'll do what I

tell you and nothing else."

E. In the early part of 1970, you frequently greeted Deputy District Attorney William D. Burns, Jr., in the hallway of the Hall of Justice, with such terms as "Hi, shit head," and "Hi, mother fucker." Sometimes this greeting was voiced quite loudly.

F. In February of 1970, Deputy Public Defender Laurence S. Smith was in your court. A marshal escorted a couple of sloppily attired and long-haired prisoners into your court. You then stated: "Oh! Are these Public Defenders?" After Mr. Smith complained about this remark to the presiding judge, the presiding judge then ordered all the remaining preliminary hearings set for that afternoon in your court be assigned to other judges. That afternoon, you badgered and castigated Mr. Smith in public during a preliminary hearing.

G. On November 10, 1970, you came into the office of Mrs. Shirley Mae Estes, who was the Calendar Court Coordinator. Mrs. Estes attempted to explain to you her responsibilities in coordinating the court calendar and the necessity of her monitoring the times of the cases in your court. You became very abusive and shouted obscenities at Mrs. Estes. You concluded by telling her: "And don't you ever forget you're just a fucking clerk."

H. On March 13, 1971, Mrs. Jeanette Christy was handling a preliminary hearing in your court in the

capacity of a private defense attorney. Mrs. Diane Wayne went to your court that morning to meet her friend, Mrs. Christy. During Mrs. Christy's preliminary hearing, you stated that you wanted to see the two women in your chambers after the completion of the preliminary hearing. After the preliminary hearing, the bailiff insisted that the two women go into your chambers. When the two women entered your chambers, you proceeded to give them a few pointers in the handling of sex cases. For the next 45 minutes while other individuals waited in the courtroom, you described some of the sex cases in which you had been involved. The language you used in describing said cases was quite raw and crude.

#### COUNT FOUR

You have engaged in a course of conduct of addressing members of ethnic minorities in derogatory terms, to wit:

A. The preliminary hearing transcript of People v. Eliazar Penn, No. A-265886, held on November 25, 1968, discloses that you referred to the defendant as ". . . the funniest Mexican I have seen. . . ."

B. The preliminary hearing transcript of People v. Leopoldo Cruz, et al., No. A-266075, held on November 27, 1968, discloses that you referred three times to the defendants as "wetbacks."

C. In 1970, you referred to Herman Pang, C.S.R., Official Court Reporter of the Municipal Court, Los Angeles Judicial District, as a "chink" in open court.

D. In April of 1970, you called a victim named Monica Sanchez a "fucking . . . fat Mexican Whore."

COUNT FIVE

You unlawfully ordered the court reporters to delete material from two preliminary hearing transcripts, to wit:

A. In the preliminary hearing of People v. Byron Edward Smith, No. A-268076, held on January 18, 1971, you noticed that the defendant's mother was present in court and taking notes. You then explosively admonished the defendant's mother relative to her attempting to intimidate the court. This outburst by you caused the defendant's mother to become emotional. At this time, the defendant stood up and stated he did not have to stand for what you were doing. After this, you ordered the defendant to be bound and gagged. Thereupon, Deputy Public Defender Francis X. Maher made several motions: (1) to have the gag removed so that he could communicate with his client; (2) to have all statements made by you to the mother as well as the details of the binding and gagging of the defendant be made part of the record; (3) to transfer this case to another

court. All these motions except for the removal of the gag were denied. After the hearing, you directed the court reporter to delete the material with reference to the motion to remove defendant's gag although you had not gone off the record at the time.

B. During the evening of August 7, 1970, you telephoned Mrs. Elaine Yvonne Flack, Court Reporter, and directed her to delete a sentence from the preliminary hearing transcript of People v. Cuhel, et al., No. A260973.

C. During the preliminary hearing in the early part of 1970, you criticized Deputy Public Defender Mrs. Leslie Abramson for her wearing a granny gown. After the hearing, you directed the court reporter, Miss Betty Sue Pearson, to delete the material with reference to the reprimand of Mrs. Abramson for her attire although you had not gone off the record at the time.

#### COUNT SIX

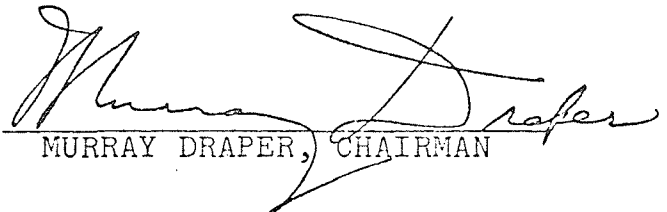
In nine preliminary hearings, you have arbitrarily and capriciously relieved the public defender and appointed private counsel. The defendants in all nine cases were eligible for representation by the Public Defender's Office. In all these cases, the Public Defender's Office was ready, willing, and able to properly represent the defendant. Private counsel in these cases entered a plea of guilty for the defendant. In none of these nine cases was there an assertion of a conflict of interest. These cases are:



	<u>Case No.</u>	<u>Defendant</u>	<u>Date of Pub. Hrg.</u>	<u>Counsel</u>
1.	A-273884	Hakes, Kenneth P.	6-30-71	Deputy Public Defender Robert M. Myman Private Counsel Ronald A. Litt
2.	A-273885	Cole, John T.	6-30-71	Deputy Public Defender Kirkland R. Nyby Private Counsel Ronald A. Litt
3.	A-274390	Dominguez, Luis Nelgado	6-30-71	Deputy Public Defender Robert M. Myman Private Counsel Ronald A. Litt
4.	A-274440	Marquardt, Milton M.	8-4-71	Deputy Public Defender Donald B. Davis Private Counsel Arnold M. Notkoff
5.	A-274573	Oderda, Gregory	7-6-71	Deputy Public Defender Jeanne Ross Private Counsel Carl Davis
6.	A-274574	Saldati, Lewis P.	7-6-71	Deputy Public Defender Jeanne Ross Private Counsel Carl Davis
7.	A-275401	Ramirez, Francisco	7-28-71	Deputy Public Defender Stuart A. Chapman Private Counsel Arnold M. Notkoff
8.	A-275617	Deever, John H.	8-4-71	Deputy Public Defender David B. Davis Private Counsel Arnold M. Notkoff
9.	A-275798	Rickets, J. J.	8-10-71	Deputy Public Defender Mark R. Frazin Private Counsel John Weston

You have the right to file written answer to the foregoing charges within 15 days after service upon you with the Commission on Judicial Qualifications, Room 3041 State Building, 350 McAllister Street, San Francisco, California 94102. Such answer shall be verified, shall conform in style to subdivision (c) of Rule 15 of the Rules on Appeal, and shall consist of an original and 11 legible copies.

By Order of the Commission on Judicial Qualifications.

Dated: January 26, 1972   
MURRAY DRAPER, CHAIRMAN